

**ENTERED**

April 10, 2018

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

PEDRO ANTONIO MORALES-  
BATRES, by His Next Friend, ANA  
JULIA JOVEL de MORALES,  
Petitioner,

v.

JANIE E. BENNETT, Director of the  
Port Isabel Detention Center,  
Respondent.

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Civil Action No. 1:18-cv-00033


**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Before the Court is the "Magistrate Judge's Report and Recommendation" (hereafter "R&R") (Docket No. 10), in the above-captioned case. The R&R recommends that Ana Julia Jovel de Morales', as next friend of Pedro Antonio Morales-Batres, (hereafter "Petitioner") "Petition for Habeas Corpus" (Docket No. 1) be **DISMISSED** for lack of jurisdiction, and the Petitioner's "Motion for Temporary Restraining Order" (Docket No. 2) and the "Renewed Motion for Temporary Restraining Order" (Docket No. 9) be **DENIED**. Petitioner timely filed objections to the R&R.

After a *de novo* review of the file, the Court agrees with the "R&R" and holds that it lacks jurisdiction based upon the Petitioner's imminent final order of removal under 8 U.S.C. § 1252. See *Assad v. Ashcroft*, 378 F.3d 471, 473-74 (5th Cir. 2004). Thus, Petitioner's objections are overruled.

For the foregoing reasons, the "Magistrate Judge's Report and Recommendation" (Docket No. 10) is **ADOPTED**. It is therefore **ORDERED** that the "Petition for Habeas Corpus" (Docket No. 1) is hereby **DISMISSED** with prejudice; and the "Motion for Temporary Restraining Order" (Docket No. 2) and the "Renewed Motion for Temporary Restraining Order" (Docket No. 9) are hereby **DENIED as moot**.

Signed on this 10<sup>th</sup> day of April, 2018.

  
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Rolando Olvera  
United States District Judge